

## REMARKS

In accordance with the foregoing, claims 1, 10, 11, 14, 15, 21, and 23 have been canceled and claims 12, 13, 16, and 18 have been amended and claims 24 and 25 have been withdrawn. Claims 2-9, 12-13, 16-20, and 22 are pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 112:**

Claims 1, 10, 11, 14, 15, 21, and 23 have been canceled without prejudice or disclaimer.

Claims 1-20 and 22 are rejected under 35 U.S.C. 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement and failing to comply with the written description requirement.

The Office Action sets forth that "the linear velocity detector that detects a linear velocity using a velocity of a spot light" must be shown or the feature(s) canceled from the claim(s).

By way of review, the present application at paragraph[0008], lines 3-5 sets forth that "the device includes a linear velocity detector detecting a linear velocity that is a velocity of a spot of light which is irradiated to record the information on a surface of the optical disc in a tangential direction of a circumference of the optical disc."

Therefore, for at least the above, it is respectfully requested that this rejection of claims 2-9, 12-13, 16-20, and 22 be withdrawn and claims 2-9, 12-13, 16-20, and 22 be allowed.

### **REJECTION UNDER 35 U.S.C. § 102:**

Claims 1, 10, 11, 14, 15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimoda et al. (U.S. Patent No. 6,442,115).

Claims 1 and 11 have been canceled without prejudice or disclaimer.

The Office Action sets forth that Shimoda et al. discloses "an optical power controller that controls an optical power of the light that records the information to the optical disc based on the linear velocity detected by the linear velocity detector (col. 2, lines 34-45.see also column 2, lines 53-65)."

By way of review, Shimoda et al. discloses "Then, the optimum value of the laser driving amount is obtained for each of the division areas in correspondence with this obtained linear velocity and the power control for the laser is performed. By this, since the changing range of the linear velocity is narrowed within each of the division areas, the variable range of the laser power

is also narrowed within each of the division areas. Accordingly, it is possible to perform the laser driving control with low cost and by use of a rather simple structure, and it is also possible to perform the speedy search within the same division area within which the search is frequently performed.”(col. 2, lines 34-45) but fails to disclose “a control circuit which generates the driving signal selectively based upon a linear velocity of the light on the optical disc and not based upon the linear velocity, according to a recording material of the optical disc.” (emphasis added) as recited in claim 20.

As such, it is respectfully submitted that the rejection of claim 20 be withdrawn and claim 20 be allowable.

Claims 1, 10, 14 and 20 are further rejected under 35 U.S.C. 102(b) as being anticipated by Yoshihiro (JP 08-063,750).

Claims 1, 10, and 14 have been canceled without prejudice or disclaimer.

Regarding claim 20, the Office Action sets forth that Yoshihiro discloses “an optical power controller that controls an optical power of the light that records the information to the optical disc based on the linear velocity detected by the linear velocity detector (see the PURPOSE in Abstract)”

By way of review, Yoshihiro discloses “to stably reproduce recorded information with high reliability by detecting the relative linear velocity of a laser light beams to an optical disk recording medium and controlling the intensity of the laser beam when the recorded information is reproduced according to the detected relative linear velocity” (PURPOSE in Abstract) but fails to disclose “a control circuit which generates the driving signal selectively based upon a linear velocity of the light on the optical disc and not based on the linear velocity, according to a recording material of the optical disc.”

As such, it is respectfully requested that the rejection of claim 20 be withdrawn and claim 20 be allowed.

**ALLOWABLE SUBJECT MATTER:**

Claims 12, 13, 16-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Claims 11 and 15 have been canceled without prejudice or disclaimer.

Claims 12, 13, and 16 have been amended to incorporate the limitations of

the canceled claims 11 and 15, respectively.

Thus, reconsideration of claims 12, 13, 16-19 is respectfully requested.

**ALLOWED CLAIMS:**

Claims 2-9 and 22 are allowed.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 2-6-06

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